UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

CARLTON B PARKS,)
Plaintiff,)) Case No. 1:19-cy-00349
v.)
JEFFREY J LYASH, et al.,	Judge Matthew F. LeitmMagistrate Judge Steger
Defendants.)
))

ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT AND RECOMMENDATION (ECF No. 43) AND (2) DENYING PLAINTIFF'S MOTION TO FILE A SECOND AMENDED COMPLAINT (ECF No. 31)

In this action, Plaintiff Carlton Parks alleges, among other things, that the Defendants subjected him to race and age discrimination in violation of federal and state laws. (*See* First Am. Compl., ECF No. 17.) On March 1, 2021, Parks filed a motion for leave to file a Second Amended Complaint. (*See* Mot., ECF No. 31.) In the Second Amended Complaint, Parks seeks to bring additional claims against the Defendants. (*See* Proposed Sec. Am. Compl., ECF No. 32.)

The motion was referred to the assigned Magistrate Judge. On June 2, 2021, the Magistrate Judge issued a Report and Recommendation in which he recommended that the Court deny the motion (the "R&R"). (See R&R, ECF No. 38.) The Magistrate Judge explained that Parks' proposed amendment was futile because

his new claims were barred by the applicable statute of limitations (*Id.*, PageID.381-

382.) At the conclusion of the R&R, the Magistrate Judge informed the parties that

if they wanted to seek review of the recommendation, they needed to file specific

objections with the Court within fourteen days. (See id. n.4, PageID.382.)

Parks has not filed any objections to the R&R. The failure to object to an

R&R releases the Court from its duty to independently review the matter. See

Thomas v. Arn, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to

an R&R waives any further right to appeal. See Howard v. Sec'y of Health and

Human Servs., 932 F.2d 505 (6th Cir. 1991); Smith v. Detroit Fed'n of Teachers

Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Parks has failed to file any objections to the R&R, IT

IS HEREBY ORDERED that the Magistrate Judge's recommended disposition of

his motion for leave to file a Second Amended Complaint is **ADOPTED**.

IT IS FURTHER ORDERED that Parks' motion for leave to file a Second

Amended Complaint (ECF No. 31) is **DENIED**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN UNITED STATES DISTRICT JUDGE

SITTING BY SPECIAL DESIGNATION

Dated: October 18, 2021

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